

TWENTIETH DAY
(Continued)
(Thursday, February 26, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
February 26, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 429, Relating to testing public school teachers.

H.B. 51, Relating to the transfer of certain inmates of the Texas Department of Corrections to other facilities prior to their actual discharge from custody.

H.C.R. 74, Commending Walter E. Lilie.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

SENATE RULE SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 89 was suspended as it relates to bills to be considered today on the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f) and Senate Rule 89 having been suspended by unanimous consent, the following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Vote on the Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.B. 47 (Parker) Relating to the use of city hotel occupancy tax revenues by certain cities. (29-1) Washington "Nay" (30-0)

C.S.S.B. 48 (Parker) Relating to exempting certain pension benefits from forced sale for the payment of debts. (29-1) Washington "Nay" (30-0)

S.B. 83 (Jones) Relating to the issuance of receipts as evidence of the payment of property taxes. (29-1) Washington "Nay" (30-0)

S.B. 266 (Jones) Relating to the claims that may be raised in a suit to collect a delinquent ad valorem tax. (29-1) Washington "Nay" (30-0)

S.B. 267 (Jones) Relating to amount of the fee charged for a property tax certificate. (29-1) Washington "Nay" (30-0)

Senator Jones offered the following committee amendment to the bill:

Amend S.B. 267 by striking the word "of" where it appears between the word "fee" and the figure \$10 on line 11 in Section 1 of the bill and substituting in lieu thereof the words "not to exceed".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 306 (Jones) Relating to the supplemental compensation paid a district judge in certain counties. (29-1) Washington "Nay" (30-0)

S.B. 308 (Jones) Relating to the right of a property owner to inspect records and data used in making an ad valorem tax appraisal of his property. (29-1) Washington "Nay" (30-0)

S.B. 309 (Jones) Relating to the authority of a new taxing unit to impose ad valorem taxes. (29-1) Washington "Nay" (30-0)

S.B. 311 (Jones) Relating to judicial review of the determination of a school district's taxable value for public school finance purposes. (29-1) Washington "Nay" (30-0)

S.B. 312 (Jones) Relating to the ownership by an appraisal district of interests in property and to the location of an appraisal district office. (29-1) Washington "Nay" (30-0)

S.B. 386 (Krier) Relating to court costs imposed to finance a county's alternate dispute resolution system. (29-1) Washington "Nay" (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Brooks, the Senate at 8:41 a.m. took recess until 9:00 a.m. today.

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by the President.

LEAVE OF ABSENCE

Senator Brooks was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 431
S.B. 430
C.S.S.B. 59
C.S.S.B. 85
C.S.S.B. 344
C.S.S.B. 142

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 46
S.B. 410
S.B. 513
C.S.S.B. 504

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 546 by Brown Health and Human Services
Relating to emergency disclosure of the identity of a birth parent.

S.B. 547 by Brown Intergovernmental Relations
Relating to the establishment of cemeteries within or near cities.

S.B. 548 by Green Jurisprudence
Relating to suits to enjoin public nuisances; providing a penalty.

S.B. 549 by Green Criminal Justice
Relating to injunction of common nuisances and forfeiture of bond.

S.B. 550 by Green Jurisprudence
Relating to the jurisdiction of constables.

S.B. 551 by Jones Economic Development
Relating to church benefit plans and church benefits boards.

S.B. 552 by Montford Criminal Justice
Relating to the classification of certain substances in schedules and penalty groups and the dispensing of certain controlled substances by pharmacists under the Texas Controlled Substances Act.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 51, To Committee on Criminal Justice.

H.B. 429, To Committee on Education.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Glasgow and by unanimous consent, the Senate at 9:03 a.m. agreed to resolve into a Committee of the Whole Senate.

The President appointed Senator Glasgow Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order at 10:38 a.m. as In Legislative Session.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

Senator Parker was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

Executive Director, Texas Department of Community Affairs: GENERAL WILLIE L. SCOTT, Travis County.

Commissioner, Texas Department of Labor and Standards: RICHARD LEE MORGAN, Dallas County.

Member, State Aircraft Pooling Board: JAMES J. KASTER, Travis County.

Acting Public Utility Counsel: GEOFFREY GAY, Williamson County.

Member, Texas Board of Human Services: ROBERT A. MOSBACHER, JR., Harris County.

Member, Board of Directors, Texas Turnpike Authority: CLIVE RUNNELLS, Harris County.

Member, State Preservation Board: MRS. DEALEY HERNDON, Travis County.

Member, State Preservation Board Permanent Advisory Committee: MRS. DEALEY HERNDON, Travis County.

District Attorney, 271st Judicial District, Jack and Wise Counties: PATRICK MICHAEL MORRIS, Wise County.

Judge, 181st Judicial District, Potter and Randall Counties: SAMUEL CURTIS KISER, Potter County.

SENATE BILL 349 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 349, Relating to the payment of tolls imposed for the use of certain county toll roads and other facilities; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 349 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE BILL 373 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 373, Relating to the service of process on a nonresident administrator, executor, or legal representative of a nonresident.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 373 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 373** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

COMMITTEE SUBSTITUTE SENATE BILL 207 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 207, Relating to fees charged by the Texas Board of Health for hospital licenses and hospital construction plan reviews and field surveys.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 207 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 207** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE JOINT RESOLUTION 9 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 9, Proposing a constitutional amendment relating to the eligibility of a member of the legislature for another office.

The resolution was read second time.

Senator Brown offered the following amendment to the resolution:

Amend **S.J.R. 9** SECTION 1. Sec. 18(a) by striking all the new underlined language and inserting instead the following:

“A Senator or Representative remains eligible for any civil office of profit the emoluments of which have been increased as part of a general increase in the emoluments of civil offices of profit.”

BROWN
MONTFORD

The amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 9 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 9** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Parmer.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent: Parmer.

Absent-excused: Brooks, Lyon, Parker, Sarpalius.

MESSAGE FROM THE HOUSE

House Chamber
February 26, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 17, Granting the Texas YMCA Youth and Government Program permission to use the House and Senate chambers on February 26, 27, and 28 in 1987 and February 25, 26, and 27 in 1988.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 129

Senator Blake offered the following resolution:

WHEREAS, It is a pleasure for the Senate of the State of Texas to pause in its deliberations to honor one of its hardest-working members, Senator Bob Glasgow, as he celebrates his birthday; and

WHEREAS, A native of Stephenville, Texas, Senator Glasgow was born February 28, 1942; and

WHEREAS, From an early age his outstanding leadership abilities were evident; a former class president and student body president, he was twice named to Who's Who in American Colleges and Universities; and

WHEREAS, A graduate of Tarleton State University and The University of Texas School of Law, his baptism of fire into Texas politics occurred when he served as Administrative Assistant to Governor Preston Smith; and

WHEREAS, A forceful speaker, his prosecutorial skills benefitted the people of the 29th Judicial District where he served as district attorney for seven years; and

WHEREAS, Since his election to the Texas Senate in 1980, he has loyally and faithfully addressed the needs of Senate District 22; and

WHEREAS, His yeoman service as a member of the Senate committees on Economic Development, Finance, and Criminal Justice has improved the quality of life afforded all Texans; and

WHEREAS, In his role as the chairman of the Senate Committee on Rules, Senator Glasgow will help shape Senate policy for years to come; and

WHEREAS, An outstanding public official, Senator Glasgow has toiled unceasingly to ensure the continued growth and prosperity of his beloved State; and

WHEREAS, Throughout his career, he has been strengthened by the love and support of his gracious wife, Deanna, and children, Delaina, Holli, and Jody; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby extend sincere birthday greetings with many happy returns to Senator Bob Glasgow; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of the esteem and respect of his colleagues in the Texas Senate.

The resolution was read and was adopted viva voce vote.

SENATE RESOLUTION 130

Senator Anderson offered the following resolution:

WHEREAS, Members of the Texas Academy of Family Physicians throughout the state have volunteered to serve in the first aid station on the first floor of the Capitol; and

WHEREAS, These physicians travel to Austin, at their own expense, and perform their duties without compensation; and

WHEREAS, It is invaluable to have this emergency medical attention of the highest quality readily available to all Capitol personnel; and

WHEREAS, Dr. Max G. Latham of Sulphur Springs is serving today, February 26, 1987, as "Capitol Physician" in this vital program; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 70th Legislature, That the deep gratitude and esteem of the Members of the Senate be expressed to Dr. Latham and that a copy of this resolution be prepared for him as a token of appreciation.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Anderson was recognized and introduced Dr. Max G. Latham of Sulphur Springs.

Dr. Latham received an expression of appreciation from the Senate and was welcomed as a guest for the day.

CONGRATULATORY RESOLUTIONS

H.C.R. 74 - (Montford): Commending Walter E. Lillie.

S.R. 131 - By Barrientos: Extending congratulations to Jim Ellisor on his retirement from the Securities Board.

ADJOURNMENT

On motion of Senator Harris, the Senate at 10:55 a.m. adjourned until 11:00 a.m. Monday, March 2, 1987.

TWENTY-FIRST DAY

(Monday, March 2, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Washington, Whitmire, Zaffirini.

Absent-excused: Uribe.

A quorum was announced present.

The Reverend Robert T. Scott, St. Austin's Catholic Church, Austin, offered the invocation as follows:

TEXAS INDEPENDENCE DAY

We begin this session in the Texas Senate with a prayer of thanksgiving for the 151st celebration of Texas' independence. We are mindful of the sacrifices and dedication of those persons who made it possible.

Today it is also fitting that we express our dependence on the Lord who makes all things possible. May the good Lord direct all our actions today for His greater honor and glory and for the benefit of all, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 26, 1987, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Brooks.